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Gender- Responsive Policy Development in Corrections: *What We Know and Roadmaps for Change.*

Erica King, MSW & Jillian E. Foley, MPP

Introduction

Developing gender-responsive policies for women offenders is an opportunity to apply emerging best practices. As research and program models improve our ability to reduce recidivism for women involved in the justice system, correctional professionals are presented with opportunities for improvement. Gender-responsive assessment, programs, and case management models are increasingly available to jurisdictions and demonstrate promising outcomes.

As the evidence-based practices movement is met by a growing interest in improving policy and practice for justice-involved women, correctional staff have increased access to gender-responsive, trauma-informed trainings, program evaluation tools, and focused technical assistance to implement new tools and practices. Yet to be determined is the extent to which gender-responsive policy exists in the field or the degree to which general correctional policies, when applied to women, are shown by data to be effective. The correctional field would benefit from clear policy guidance regarding the potential impact gender-responsive policy and practice can have for improving criminal and social outcomes for women. For example, we know many justice-involved women are trauma survivors, yet jurisdictions lack clear trauma informed policy and practice that outlines the conduct of a strip search with women.

Policies differ from practices or programs in that they create systemic change while programs or practices, in an effort to be gender-responsive, are often developed outside of policy

A Note from the Director

Correctional policy and procedure drives decisions in the management and rehabilitation of offender populations. The continuously emerging research on female offenders highlights differences from their male counterparts, particularly in the areas of health, mental health, substance abuse and risk. Yet correctional policies rarely reflect those differences and where adaptations are made it is often not in policy or directive, contributing to tremendous inconsistency in the management of women offenders. One of the most common requests received from the women offender initiative at the National Institute of Corrections is assistance in revising policy that is consistent with the department mission but reflects the differences between men and women. This bulletin, based on survey data and focus groups with women, is an initial step to determine the existence of gender-informed policy within correctional agencies. The findings of this bulletin provide an overview of the current state of gender-responsive policies for women and define a focus for future research, training and technical assistance in the effort to create a more effective, and efficient correctional approach for women offenders.

Robert M. Brown, Jr., Acting Director
National Institute of Corrections

consideration. Policies can create stability; policy development promotes sustainability and builds long-term capacity.

Lack of gender-informed policy creates challenges for correctional practitioners. When there is a gap between training that is evidence-based and gender-informed and what is written in policy, staff may find themselves hindered in their attempts to work toward establishing a gender-responsive environment. Correctional professionals often

What does gender-responsive mean?

For justice involved women, gender-responsive (also referred to as gender informed), refers to the design of the program, practice, or policy that addresses the specific circumstances of women's lives, their unique risk and need factors, and research on women that guides policy/practice. ¹ These programs take into consideration the unique pathways that lead women to commit crimes and are trauma-informed, strengths-based, and culturally competent.² The term is not meant to be exclusive, but rather stresses the importance of recognizing the gendered differences for both men and women in psychological development, socialization, exposure to trauma, and cultural, racial, class based experiences. ^{3,4,5,6}

have to reconcile the research and emerging practices on establishing a relational, trauma-informed approach when working with women, with existing correctional policies meant to prohibit over-familiarity or fraternization. Traditional policies designed to prevent inappropriate interpersonal behaviors and sexual misconduct may also contribute to diminishing opportunities for women to develop supportive and appropriate relationships in interacting with staff and with each other.

Additional areas that could benefit from a gender-informed approach to policy and procedure include:

- Discipline policies, including use of segregation, force, restraints and room restriction. ⁷
- Sexual safety for women, including reducing prison sexual assaults and sexual misconduct. ⁸
- Medical and prenatal care.
- Passing and receiving policies.
- Assessment and programming.

This bulletin provides a snapshot of the state of gender-responsive policies across the correctional landscape and suggests some areas to be considered in the development of gender-responsive policy.

Methodology

The primary method for exploring the state of gender responsive policies was a national on-line survey disseminated by the National Institute of Corrections. The survey sought to identify how many jurisdictions across the country had begun the creation of gender-responsive policies, how they approached the task and what obstacles they encountered in developing policies for women offenders. NIC fielded the online survey from February 2012 to August 2012 resulting in 55 responses from 27 different states.

In addition to the survey, the authors conducted focus groups to bring the voices of incarcerated women into the national dialogue on gender-responsive policy development. Three focus groups were conducted with 18 women offenders at the Maine Correctional Center in 2012. ^{9, 10}

Limitations of the Study

Jurisdictions were contacted by phone and by email and invited to take part in the survey. This study was limited by the number of jurisdictions that responded and therefore data may not be generalizable. Beyond the scope of this policy bulletin was the determination of which policies are gender-responsive. However, the findings here frame the challenges and identify opportunities for future policy development and research. Finally, focus groups were conducted in one jurisdiction only with a limited sample, thus findings may not be generalizable to all correctional settings.

Key Findings

- The majority of correctional policies are still gender neutral ¹¹. While the field has made some progress in developing policies for women, the research on evidence-based and gender informed practice does not yet inform most policy statements for women. There is a gap between gender-responsive knowledge, program models and corresponding policy.
- Nearly three-quarters (73%) of jurisdictions indicate that they have developed some gender-responsive policies for women. State legislative mandates to develop gender informed policy, practice, programs was reported by 25% of respondents. (*see Table 1*). These policies include (*see Table 2*):
 - Health care (65%), Programming (63%), Allowable properties (63%), Searches (60%), and Restraints (60%).
- Policy development for women has been least likely to include Mail (3%), Disciplinary Procedures (8%), Staff Training (15%), or Food (15%).
- Nearly 70% of respondents identify national correctional standards as their primary source of guidance in policy creation.
- Respondents have encountered many barriers in the process of developing gender-responsive policies for women offenders.
- The degree to which policies adapted for women offenders are aligned with evidence-based literature and theories is unknown.
- Gender-responsive policy models are generally lacking in specifics, and jurisdictions need more guidance to expand existing policies.
- Focus group respondents suggest that there is a difference between written and unwritten rules and policies. This practice creates inconsistency, which is incongruent with

trauma-informed practice, a key component of gender-responsive best practice.

- Focus group respondents spoke to the need for policy to address the need for a “relational” community environment, such as appropriate touch policies, appropriate passing and receiving policies (e.g. allowing women to share shampoo with other women if they don’t have any) and children visitation policies. These policy concerns are congruent with emerging literature on an effective gender-responsive approach.

Table 1- Level of gender-responsive policies, identified by survey respondents as changed

Level of Policy (Total n=40)*	N	%
State legislation	10	25%
Agency-wide policies	20	50%
Facility/ Institution specific policies/ directives	29	73%
Programming	20	50%

Table 2- Type of institutional policies, identified by survey respondents, as changed to be gender-responsive

Policy (Total n=40)*	N	%
Health care services	26	65%
Allowable properties	25	63%
Programming	25	63%
Restraints	24	60%
Searches	24	60%
Security	11	28%
Classification	10	25%
Other	10	25%
Visitations	9	23%
Staff training	6	15%
Food	6	15%
Disciplinary procedures	3	8%
Mail	1	3%

**The base was those who answered “yes” to having gender-responsive policies (n=40). This was also a multi-response question, thus the numbers do not add to the total number of respondents answering these questions.*

Challenges to Gender-Responsive Policy Development

On-line survey respondents identified the following as their major challenges to gender-responsive policy development and creation:

- Lack of awareness and support of gender-responsive policies.
- Lack of an evidence base to define model gender responsive policies.
- Sex discrimination and stereotypes.
- Lack of resources and the difficulty of justifying directing attention to smaller percentage of female versus male populations.
- Complicated process of policy development.
- Fear that gender-specific policies will lead to unequal treatment.

Focus groups with justice involved women highlighted deficits in policy guidance in many different areas impacting institutional practice (e.g. staff training on gender-responsive policies, lack of empathy, etc.). The following quote from a focus group participant represents this idea:

"I don't think they[staff] are able to put into context just how much a good majority of us have been through, so maybe some sensitivity training [would help]."

Focus group participants suggested that while most of the staff may have their best interest in mind, many lack the experience and/or skills to work effectively with incarcerated women.

Recommendations for Gender-Responsive Policy Development- Survey Respondents

On-line survey respondents identified the following recommendations for states that are interested in developing gender-responsive policies:

- Familiarize yourself with literature and gender-responsive principles.
- Get input from front-line staff and residents.
- Use research and knowledge to convince staff and management to support the need for gender-responsive policies.

"It is easy for things specific to female offenders to get pushed to the side because of small populations and limited resources."

-Staff survey respondent

- Staff training is key to ensuring that all staff understand and embrace gender-responsive principles.
- Don't forget that gender-informed policies can be written to deal with male specific issues too.
- Look for "model" policies and be willing to pilot them.
- Create an environment that empowers women offenders to make their own informed choices and sense of personal agency – that is providing women with the tools, information, support and environment that allows for mindful choices.
- Create collaborative working efforts for substance abuse, mental health, trauma-informed care, and other services to better serve the women of the facility or program.
- Create a plan to measure the effectiveness of new policies and review them periodically.

Recommendations for Becoming More Gender-Responsive - Focus Group Participants

- Elicit and incorporate incarcerated women's feedback in the policy development process. This is important to ensure the women's identified needs are being met, but also to encourage the women to buy into the new policies and procedures.
- Ensure consistent implementation of the policies to guarantee that women are being treated equally, and they know what to expect. Participants suggested that when policies and practices are inconsistent, it is difficult to know what is expected, which can create problems for both staff and the women.
- Consistency and safety is particularly important when implementing policies that have the

- potential to be re-traumatizing for the women.
- Create an environment of empowerment. Some participants suggested that many of the incarcerated women have low self-confidence and thus need to be encouraged and supported to make personal change.

Discussion

The results of this study suggest that future research focus on the development and evaluation of current policies and identification of effective gender-responsive policy examples to guide jurisdictions in future policy development. Most jurisdictions who do wish to enhance policy to make it more gender-responsive rely on broadly defined principles and struggle to operationalize the principles in specific policy examples. The majority of staff survey respondents indicated an interest in gender-responsive policy development, and some identified areas where policy has changed in their jurisdiction. Evidence suggests, however, that while gender-responsive policy development is an emerging trend there are a number of challenges that inhibit jurisdictions from policy creation for women.

Survey respondents suggest that the primary rationale used to create gender-responsive policy to date is acknowledgement of the biological differences (e.g., medical) between men and women, or litigation and advocacy (e.g., shackling, sexual victimization). Thus, many of the changes to policy have focused solely on areas of appropriate reproductive healthcare or avoidance of sexual misconduct among staff and incarcerated women. There is much that can be done to develop more appropriate policies for women across a broader range of areas. Gender informed policies take into account a number of factors, including: differences in psycho-social development, the importance of relationships in women's lives, important differences in mental health diagnoses and substance abuse behaviors. Additionally, women's life experiences, such as the increased rate of women who have experienced trauma compared to men must be considered. ^{6,12,13}

Disciplinary and search policies are particularly important areas where trauma-informed procedures need to be developed to decrease the risk for potential re-traumatization. For example, the use of segregation can be differentially harmful to women. Policies must also be developed that help to empower women offenders to make personal change and give them hope for their futures. There is much that can be done around programming, assessment, touch, passing and receiving, visitation, and classification policies.

Survey respondents identified facility/institution specific policies as the top level of gender-responsive policy development thus far- which in turn suggests a lack of state legislation mandates and agency-wide policy development. Having state-legislation and gender responsive agency-wide policy would create opportunities for improve practices and consistency among the various women's facilities. The need for consistency was also a common concern from the focus group participants, and many suggested that inconsistent policies make it hard to know what is expected of them. Inconsistent policies also make it hard for staff to reliably and appropriately implement proper procedures. Therefore, there is a need for policy development at agency levels to improve the rate of consistent gender-responsive procedures, which will benefit all of those involved.

Many survey respondents identified a need for guidance on developing effective gender-responsive policies. Respondents identified national correctional standards as the number one resource used in policy development (67.5%, n=27), however, at the time of the survey there were very few national standards guiding states in gender-responsive policy and practices. A review of literature shows that there are many theoretical guidelines and recommendations for creating a gender-responsive environment, however, corrections professionals need concrete models as a guide in developing gender responsive policy. Future research should focus on identifying model policies, and specific guidance for gender-responsive policy development.

Conclusion

Research suggests that justice-involved women have different pathways to crime when compared to men, which result in unique needs. The criminal justice system can address those unique or more frequently occurring needs through further development of gender-responsive policies. While there are many studies that demonstrate the need for and impact of a gender-informed approach, very little information is readily available about where model gender-responsive policies can be accessed. While many states have attempted to modify some of their policies for women, there is a need for more research that will help correctional professionals analyze their policies regarding improved outcomes and thus encourage development of gender-responsive policy.

Jurisdictions engaged in the work of becoming more gender-responsive cite many barriers including a lack of knowledge, resources and programmatic/policy examples to support the process. Additionally, attitudinal barriers stemming from a fear that creating gender-specific policies will lead to unequal treatment of men and women persist in the field of corrections. Thus, an important part of the policy development process will need to include organizational development, staff training, and stakeholder buy in.

This policy bulletin serves as a foundation for further research on the state of gender-responsive policies in correctional systems around the nation. The results of this study suggest a need for gender-responsive policy evaluation, development and identification of concrete gender-responsive policy models and examples, as well as guidance for the development of gender-responsive policy to move beyond the basics.

End Notes

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8. Maine was selected for three primary reasons: 1. Maine has received national interest in developing a gender responsive environment for women offenders, 2. Authors' proximity and access to Maine Correctional Center, 3. Focus groups informed research requirements for master's thesis.
9. Several findings were specific to the facility where they were currently housed. Those findings are included in a site-specific report and are not included in this publication.
10. Gender neutral is used to describe policies or practices that are not gender specific. In other words, a gender neutral policy pertains to both men and women and does not specify differences.
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Jillian E. Foley, MPP holds a Master's Degree in Public Policy and Management from the University of Southern Maine, with an emphasis on social policy analysis. Ms. Foley has a background in women's studies and sociology. She has worked for the University of Southern Maine's Muskie School of Public Service and has experience in both quantitative and qualitative research. Ms. Foley focused her graduate work on research with women offenders, and her capstone project *Gender-Responsive Policies and Practices in Maine: What Incarcerated Women at the Women's Center Say They Need from the Criminal Justice System* (year?) serves as an informational supplement to this report. Ms. Foley is a private consultant for various correctional research projects.

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